

BEFORE THE BOARD OF ZONING ADJUSTMENT:, D. C.

Application No. 11716, of Maude Moreland, pursuant to Section 8207.1 of the Zoning Regulations for variances front lot area and lot width requirements of the **R-1-A** zone to permit *the* construction of a single family hilling at the premises 2744 Rittenhouse Street, N.W., Lot 825, Square 2319.

JIEAIUNG DATE: September 17, 1975  
DECISION DATE: September 30, 1975

**FINDINGS OF FACT:**

1. This case was originally heard on October 16, 1974, and decided by the Board on October 25, 1974.

2. In an Order dated December 4, 1974, the Board Denied the application by a vote of 4-0 (Chairman Scrivener, Mr. Harps, ~~Mr.~~ McIntosh and Lilla Burt Cummings, Esq., to Deny, PJr. Klauber not voting.)

3. A motion for reconsideration of the application failed for lack of **four** (4) affirmative votes at the Board's meeting of February 25, 1975. An Order of the Board dated March 11, 1975, carried out that decision.

4. By Order No. 112, dated June 20, 1975, the Zoning Commission stayed the original Order of the Board dated December 4, 1974.

5. By Order No. 115, dated July 14, 1975, the Zoning C d s s i o n vacated the Order of the bard and instructed the Board to "Rehear Application No. 11716 to cosider new testhny presented by the applicant."

6. The rehearing of the case was held on September 17, 1975.

7. The subject property is located in an R-1-A district.

8. The **R-1-A** district requires a **minimum** lot width of seventy-five (75) feet and a minimum lot **area** of seventy-five (75) feet. The subject property has an average lot width of 44.96 feet and has a lot area of 6829 square feet. Variances of 30.04 feet in width and 671 square feet in area are thus required to construct a structure in this district.

9. The lot was established in its current fromon July 12, 1963.

10. Prior to December 7, 1975, the lot could have been built upon as a matter of right in the **A**. Semi-restricted area district then in effect.

11. On December 7, 1955, the Zoning Regulations were amended to require a **minimum** lot area of 5000 square feet and a minimun lot width of 50 feet.

12. On ~~May~~ 12, 1958, the **R-1-A** district was adopted and applied to this property.

13. Though there are other non-conforming lots in the square, they are ~~more in~~ accordance with the requirements of the R-1-A district than the subject lot.

14. The dimensions of the subject lot are such that they are 91 percent of the required ~~minimum~~ area and 60 percent of the required ~~minimum~~ width.

15. The applicant listed the property for sale at a minimum price of \$25,000. The person owning the property immediately adjacent to the site at 2750 Rittenhouse Street at ~~one~~ point offered to purchase the property for \$18,000.

16. There was opposition to the granting of this application.

17. The Board considered the opinion of the District of Columbia Court of Appeals in the case of ALW, Inc., v. D. C. Board of Zoning Adjustment.

CONCLUSIONS OF LAW:

The Board concludes that the applicant has not proved to the Board's satisfaction that a practical difficulty exists, and that the applicant **had** no recourse regarding some reasonable disposition of the property. At one point in time, the applicant had the option of selling the property to an abutting owner, for less than the price she was willing to accept. The Board does not believe it is the responsibility of the Board to approve a variance which in its judgement would impair the intent and purposes of the Zoning Regulations in order to give ~~an~~ owner a greater return on his property. The Board believes that the lot is sub-standard in such a manner, particularly as to the width, that the application should not be approved. It is therefore ORDERED that the subject application be DENIED, by a vote of 3-2 (Chairman Scrivener, Dr. Lewis, and Lilla Burt Cummings, Esq., to **DENY**, Mr. Harps and McIntosh dissenting.)

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

Attested By:   
STEVEN E. SHER  
Acting Secretary to the Board

FINAL DATE OF THE ORDER: **FEB 19 1976**